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*Counsel for Individual and Representative Plaintiffs
and the Proposed Class. (additional counsel included below)*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

RICHARD KADREY, et al.,

Individual and Representative Plaintiffs,

v.

META PLATFORMS, INC.,

Defendant.

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Case No. 3:23-cv-03417-VC

**JOINT STATUS REPORT PER ECF NO.
231**

Pursuant to the Court's Order, ECF No. 231, the parties respectfully submit this status report.

On October 17, 2024, Plaintiffs informed Meta that they intended to notice depositions of 20 current and former Meta employees and requested their availability as follows: Angela Fan, Mike Clark, Joelle Pineau, Chaya Nayak, and Sergey Edunov, between October 24 and November 8; Guillaume Lample, Edouard Grave, Nikolay Bashlykov, Alex Boesenberg, Yann LeCunn, Amanda Kallet, Aurelien Rodriguez, and Hugo Touvron, between November 11–27; and Logan Kerr, Chris Cox, Eugene Nho, Steven Roller, Sean Bell, Amrish Acharya, and Arun Rao, between December 2–13.

Plaintiffs' Position: Meta's counsel initially stated it does not represent four former Meta employees: Guillaume Lample, Edouard Grave, Aurelien Rodriguez, and Steven Roller. Meta's counsel later said it was authorized to accept service of a subpoena for Mr. Roller. Plaintiffs understand the other three witnesses reside in France and asked counsel to clarify their statement that they does not represent Mr. Rodriguez since he is identified by Meta in its Fed. R. Civ. P. 26 disclosures, which until yesterday stated Plaintiffs must contact him through Meta's outside counsel. Because Mr. Rodriguez continues to be listed on Meta's Rule 26 disclosures as someone Meta may use to support its claims or defenses, Plaintiffs believe Meta must make him available for deposition and have asked Meta to provide his availability. Plaintiffs also asked Meta to provide the last known contact information for these former witnesses so Plaintiffs can attempt to obtain documents and deposition testimony from them through the appropriate procedures and are awaiting Meta's response. Further, Meta asked Plaintiffs to identify additional witnesses in place of these individuals and Plaintiffs identified Susan Zhang, Thomas Scialom, and Sy Choudhury, while reserving their right to seek documents and depositions from the three former Meta employees in France.

Meta's Position: Meta informed Plaintiffs in early September, regarding depositions of a large number of individuals including the three former employees based in France listed above, that it did not represent any of these former employees. Accordingly, Plaintiffs have been aware

for well over a month that Meta does not represent Mr. Rodriguez or the other two witnesses. Meta does not intend to rely on Mr. Rodriguez for testimony in this case, but continues to list him on their Rule 26 disclosures because he was a document custodian.

To date, Meta has provided dates for 10 witnesses and Plaintiffs agreed to nine of those dates. Meta has reached out to all current employee witnesses and will continue to provide availability as it hears back from the witnesses (some of whom are currently out of the office).

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Already Taken by Plaintiffs</i>	
1. Melanie Kambadur	Completed
2. Ahmad Al-Dahle	Completed
3. Eleonora Presani	Completed
4. Todor Mihaylov	Completed
<i>Depositions to Be Taken by Plaintiffs – Dates Provided and/or Scheduled</i>	
5. Chaya Nayak	Oct. 31 in SF.
6. Joelle Pineau	Nov. 6 in Montreal
7. Sergey Edunov	Nov. 6 in the Bay Area
8. Mike Clark	Nov. 14 in Denver
9. Yann LeCun	Nov. 21 in New York.
10. Logan Kerr	Nov. 26 in the Bay Area
11. Steven Roller	Meta confirmed it will accept service of a subpoena to Mr. Roller. Plaintiffs requested his availability between Nov. 25 and Dec. 11.
12. Thomas Scialom	Meta offered Dec. 5 in London. Before confirming, Plaintiffs have requested dates for the other UK/EU witnesses so they can be taken together. Meta is unable to confirm that it can organize all European witnesses in the same week.
13. Eugene Nho	Dec. 6 in the Bay Area
14. Arun Rao	Dec. 13 in the Bay Area
15. Mark Zuckerberg	Dec. 17 (by agreement, if approved by court) in Hawaii
<i>Depositions to Be Taken by Plaintiffs – No Dates Provided</i>	
16. Angela Fan	Ms. Fan is on leave until October 31, 2024. Meta is coordinating on witness availability and will provide dates to counsel shortly.
17. Nikolay Bashlykov	Meta is coordinating on witness availability and will provide dates to counsel shortly.
18. Alex Boesenberg	Meta is coordinating on witness availability and will provide

	dates to counsel shortly.
19. Amanda Kallet	Meta is coordinating on witness availability and will provide dates to counsel shortly.
20. Hugo Touvron	Meta is coordinating on witness availability and will provide dates to counsel shortly.
21. Susan Zhang	Ms. Zhang is a former employee of Meta. Meta will promptly determine whether it is representing Ms. Zhang and will inform counsel shortly.
22. Sy Choudhury	Meta is coordinating on witness availability and will provide dates to counsel shortly.
23. Chris Cox	Meta asked on October 21 to meet and confer regarding this witness. Meta intends to seek a protective order relating to Mr. Cox's deposition. Notably, he was not listed among the 35+ witnesses in Plaintiffs' recent motion seeking additional depositions. Mr. Cox is a C-level executive and Meta seeks to understand the basis of Plaintiffs' sudden desire to take his deposition, which Meta views as duplicative and not proportional in view of the scheduled depositions of numerous other Meta witnesses with direct involvement with its generative AI LLMs. Plaintiff has conditioned a meet and confer relating to Mr. Cox on Meta's meet and confer relating to Plaintiff's amended 30(b)(6) notice. <i>See</i> #27 below.
24. Sean Bell	Meta is coordinating on witness availability and will provide dates to counsel shortly.
25. Amrish Acharya	Meta is coordinating on witness availability and will provide dates to counsel shortly.
26. Meta 30(b)(6) Witnesses	<p>Plaintiffs have asked Meta to identify its 30(b)(6) witnesses and to provide their deposition availability; Meta is considering the the amended 30(b)(6) topics and will endeavor to inform Plaintiffs promptly which witnesses may appropriately address which topics.</p> <p>Plaintiffs previously asked Meta whether it will object in full or in part to any of Plaintiffs' amended 30(b)(6) topics. Meta stated on October 21 that it is willing to meet and confer this week about the topics, and Plaintiffs requested dates and times for a meet and confer.</p>

Plaintiffs' witnesses

On October 15, Meta asked for dates of availability for the depositions of. Mr. Klam and Ms. Snyder. As of this filing, Plaintiffs have not provided dates for these witnesses but said they will do so as soon as possible. With the consolidation of Mr. Farnsworth's case into *Kadrey*, Meta has asked for his availability for deposition. The depositions of the remaining Plaintiffs – Messrs.

Díaz and Coates – are scheduled for November 20 and 21 in Boston and New York, respectively.

<u>Deponent</u>	<u>Relevant Date</u>
<i>Depositions Already Taken by Meta</i>	
1. David Henry Hwang	Completed on Sep. 16, 2024
2. Christopher Golden	Completed on Sep. 17, 2024
3. Laura Lippman	Completed on Sep. 17, 2024
4. Lysa TerKeurst	Completed on Sep. 23, 2024
5. Andrew Greer	Completed on Sep. 24, 2024
6. Richard Kadrey	Completed on Sep. 25, 2024
7. Jacqueline Woodson	Completed on Sep. 30, 2024
8. Sarah Silverman	Completed on Oct. 10, 2024
<i>Depositions to Be Taken by Meta – Dates Provided and/or Scheduled</i>	
9. Junot Díaz	Noticed for Nov. 20, 2024
10. Ta-Nehisi Coates	Noticed for Nov. 21, 2024
<i>Depositions to Be Taken by Meta – No Dates Provided</i>	
11. Matthew Klam	Meta requested dates on Oct. 15, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.
12. Rachel Louise Snyder	Meta requested dates on Oct. 15, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.
13. Christopher Farnsworth	Meta requested dates on Oct. 22, 2024; Plaintiffs have not provided dates yet but said they will do so as soon as possible.

Dated: October 22, 2024

By: /s/ Maxwell V. Pritt
Maxwell V. Pritt

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